

1 DAVID L. ANDERSON (CABN 149604)
United States Attorney
2 SARA WINSLOW (DCBN 457643)
Chief, Civil Division
3 SHINING J. HSU (CABN 317917)
Assistant United States Attorney
4 450 Golden Gate Avenue, 11th Floor
5 Box 36055
San Francisco, California 94102-3495
6 Telephone: (415) 436-7022
7 Fax: (415) 436-6748
Email: shining.hsu@usdoj.gov

8 Attorneys for United States of America
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 MAHENDRA PRASAD,

17 Defendant.
18

19 BECTON, DICKINSON AND COMPANY,

20 Garnishee.
21

CASE NO. 4:18-CR-00622-JST

WRIT OF CONTINUING GARNISHMENT
(WAGE GARNISHMENT)

22 TO: BECTON, DICKINSON AND COMPANY
23 c/o CT Corporation System, Registered Agent
818 W. Seventh St., Ste. 930
24 Los Angeles, CA 90017

25 **YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF THE**
26 **UNITED STATES OF AMERICA PROPERTY IN YOUR POSSESSION IN WHICH THE**
27 **DEFENDANT-JUDGMENT DEBTOR HAS A SUBSTANTIAL NONEXEMPT INTEREST.**
28

WRIT OF CONTINUING GARNISHMENT
CASE NO. 4:18-CR-00622-JST

1 The name, last known address and last four digits of the social security number of the person
 2 who is the defendant-judgment debtor ("defendant") in this action and whose property is subject to this
 3 Writ are as follows:

4 Mahendra Prasad
 5 5577 Tilden Place
 6 Fremont, California 94538
 Social Security Number (last four digits): XXX-XX-8245

7 This Writ has been issued at the request of the United States of America to enforce the collection
 8 of a criminal judgment entered in favor of the United States against the defendant for a debt in the
 9 original amount of \$328,100. There is a balance of \$343,937.54.

10 The following are the steps that you must take to comply with this Writ. If you have any
 11 questions, you should consult with your attorney.

12 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control, or possession
 13 any property of the defendant (including nonexempt disposable earnings from his wages, salary,
 14 commissions or bonuses) in which the defendant has a substantial nonexempt interest, or if you obtain
 15 custody, control, or possession of such property while this Writ is in effect, you must immediately
 16 withhold such property from the defendant and retain it in your possession until you receive instructions
 17 from the Court which will tell you what to do with the property. With respect to the defendant's wages,
 18 salary, commissions or bonuses; you must withhold twenty-five percent (25%) of such amount(s) after
 19 all deductions required by law have been withheld. See 28 U.S.C. § § 3205(a) and 3002(9).

20 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ within 10
 21 days after service of this Writ upon you. You must answer the Writ even if you do not have in your
 22 custody, control, or possession, any property of the defendant. Pursuant to 28 U.S.C. § 3205(c)(4), your
 23 answer must state, under oath, the following information:

24 a. Whether or not you have in your custody, control, or possession, any property
 25 owned by the defendant in which the defendant has a substantial nonexempt interest, including
 26 nonexempt disposable earnings;

27 b. a description of such property and the value of such property;

28 ///

1 c. a description of any previous garnishments to which such property is subject and
2 the extent to which any remaining property is not exempt; and

3 d. the amount of the debt you anticipate owing to the defendant in the future and
4 whether the period for payment will be weekly or another specified period.

5 For your convenience, a form which addresses the above-requested information is attached and
6 may be used to answer the Writ.

7 3. After you complete the answer under oath, pursuant to 28 U.S.C. § 3205(c)(2)(E) and
8 (c)(4), within ten (10) days after service of this Writ upon you, you must mail or deliver the original
9 answer bearing the original signature of the person preparing the answer to the Court at the following
10 address:

11 Clerk, United States District Court
12 1301 Clay St., Suite 400S
Oakland, CA 94612

13 At the same time you mail or deliver the original answer to the Court, you must also mail or
14 deliver a copy of the original answer to the defendant, the defendant's attorney, and attorney for the
15 United States at the following respective addresses:

16 Alec Ellery Adams
17 Attorney for Mahendra Prasad
22762 Main St., Ste. 105
18 Hayward, CA 94541-5114

19 Mahendra Prasad
20 5577 Tilden Place
Fremont, CA 94538

21 Shining J. Hsu
22 Assistant U.S. Attorney
23 450 Golden Gate Avenue, 11th floor
Box 36055
24 San Francisco, CA 94102

1 Please note that the attached form answer contains a certificate of service which needs to be
2 completed by the person mailing the copies of the answer to the defendant and the attorney for the
3 United States, and which needs to be filed with the Court along with the answer.

4 **IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY IN**
5 **ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE COURT**
6 **FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO ANSWER THE**
7 **WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT BEFORE**
8 **THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO APPEAR AND FAIL TO**
9 **SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY WITH THIS WRIT, THE COURT**
10 **WILL ENTER A JUDGMENT AGAINST YOU FOR THE VALUE OF THE DEFENDANT'S**
11 **NONEXEMPT INTEREST IN SUCH PROPERTY (INCLUDING NONEXEMPT DISPOSABLE**
12 **EARNINGS). THE COURT MAY ALSO AWARD A REASONABLE ATTORNEY'S FEE TO**
13 **THE UNITED STATES AND AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN**
14 **THE TIME SPECIFIED HEREIN AND IF THE UNITED STATES FILES A PETITION**
15 **REQUIRING YOU TO APPEAR.**

16
17 SUSAN Y. SOONG,
18 Clerk of the United States
19 District Court for the Northern
20 District of California

21 Dated: June 9, 2020

22 By:

23 
24 Deputy Clerk